DETAILED ACTION

Response to Amendment

1. The amendments, filed on 04/09/2008, have been entered and made of record. Claims 1-4, 6-15 and 18-21 are pending.

Response to Arguments

2. Applicant's arguments, see page 7-9, filed on 04/09/2008, with respect to the rejection(s) of claim(s) 1-4, 6-15 and 18-21 under 35 U.S.C. § 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art references.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-4, 6-8, 10-15, and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyagi, US 2002/0047916 in view of Lincoln, US 2002/0056010.

Regarding claim 1, in Fig 1 Miyagi discloses a video transmission system, comprising:

- a video source (a digital image recording apparatus 2; [0022] , Miyagi);

- a video server (an image distribution server 7) adapted to receive video data from the video source, the video server operable to buffer the video data and transmit the video data across a network (network 5) ([0026] , Miyagi); and
- a video retransmitter residing on a first computing device (an image processing apparatus 6, Fig 1) and adapted to receive the video data via the network from the video server (it's inherent that the networks connects the image processing apparatus 6 to the image distribution server 7, Fig 1, [0024]), said video retransmitter operable to buffer the video data and re-transmit the video data to a second computing device (the data from the image processing apparatus 6 is appropriate for processing on the portable information terminal 10 on the portable phone 9) ([0029] , Miyagi) .

Miyagi does not explicitly disclose a second computing device which is configured to receive the video data from either the video server or the video retransmitter, and operable to select either the video server or the video retransmitter as a source for the video data based on a metric associated with the transmission path of the video data from the source.

Lincoln discloses the second computing device (client 160, Fig 3) is configured to receive the video data from either the video server (origin server system 300, Fig 3) or the video retransmitter (content delivery network 310, Fig 3), and operable to select either the video server or the video retransmitter as a source for the video data based on a metric (selection criteria may preferably include connectivity estimates/metrics between the selected edge server 320 and client system 160, such as: geographical distance, topological distance, bandwidth, latency, jitter, financial costs, and national/political boundaries that would be

traversed) associated with the transmission path (network 150, Fig 3) of the video data from the source ([0035]-[0040], Lincoln).

Thus, it would have been obvious to one of ordinary skill in the art to have included a 2nd computing device as taught by Lincoln into Miyagi's data communication system, as the system allows each computing device/client to select a particular content delivery server to handle each network request at least partly based upon one or more criteria indicating a relative quality of connectivity between the selected server and the requesting client ([0011], Lincoln).

Regarding claim 2, Miyagi discloses the video source is further defined as a digital camera (a digital image recording apparatus 2 works as an image pickup apparatus) ([0022], Miyagi).

Regarding claim 3, Miyagi discloses the video server is integrated with the video source (connecting the digital image recording apparatus 2 to the network) ([0028] and Fig 1, Miyagi).

Regarding claim 4, Miyagi as modified by Lincoln discloses the second computing device is operable to display the video data (client browser 170 can then display the decompressed data content on display device 190 of client system 160) ([0027], Lincoln).

Regarding claim 6, Lincoln discloses the second computing device (client 160, Fig 3) is configurable to receive the video data from the selected source service (selecting a particular content delivery server) ([0011], and Lincoln).

Regarding claim 7, Lincoln discloses the second computing device (client 160, Fig 3) is adapted to receive the video data via the network (network 150, Fig 3) from the video retransmitter (content delivery network 310, Fig 3) ([0036], Lincoln).

Regarding claim 8, Lincoln discloses the second computing device (client 160, Fig 3) is adapted to receive the video data via another network (client-sever network, HTTP network, etc) from the video retransmitter ([0041], [0049], Lincoln).

Regarding claim 10, Miyagi discloses the video server is operable to maintain a directory (additional data such as mail address, an image file name, a message, and the like), where the directory includes a list of client computing devices to whom video data is currently being sent and which are configured to retransmit the video data (the image distribution server 7 generates a URL and a mail message in a specified mode) ([0042], Miyagi).

Regarding claim 11, Miyagi discloses each entry in the directory identifies a source (mail address) whose video data (GIF file with additional data) is capable of being retransmitted from a source other than the video server (apparatus 6), a network address for the identified source (URL); and an indicator as to whether the video data is being received on a dedicated basis (the image distribution server 7 returns a processing result to the personal computer 60) ([0042], [0045], and [0046] , Miyagi).

Regarding claim 12, Miyagi discloses the video server is adapted to receive requests for the video data and operable to log an entry (customer ID and password) into the directory when the requesting computing device is configured to retransmit the video data ([0044] and [0045], Miyagi).

Regarding claim 13, Miyagi discloses the directory is accessible to the second computing device (personal computer), the second computing device being operable to evaluate each alternative source for the video data being requested (the image distribution server 7 returns a processing result to the personal computer) ([0042] , Miyagi);

Lincoln discloses the selecting a source for the video data (content delivery network 310, Fig 3) based on a metric (selection criteria may preferably include connectivity estimates/metrics between the selected edge server 320 and client system 160, such as: geographical distance, topological distance, bandwidth, latency, jitter, financial costs, and national/political boundaries that would be traversed) associated with the transmission path of the video data from the source (network 150, Fig 3) ([0035]-[0040], Lincoln).

Thus, it would have been obvious to one of ordinary skill in the art to have included a 2nd computing device as taught by Lincoln into Miyagi's data communication system, as the system allows each computing device/client to select a particular content delivery server to handle each network request at least partly based upon one or more criteria indicating a relative quality of connectivity between the selected server and the requesting client ([0011], Lincoln).

Regarding claim 14, this claim differs from claim 1 only in that the claim 1 is an apparatus claim whereas claim 14 is a method. Thus the method claim 14 is analyzed and rejected as previously discussed with respected to claim 1 above.

Regarding claim 15, Miyagi discloses the step of transmitting the video server from the video server further comprises:

- receiving a request for the video data from the first client computing device (the image distribution server 7 sends an email message to notify a recipient that an image is available for distribution) ([0026], Miyagi);
- determining whether the first client computing device is configured to retransmit the video data (the image distribution server 7 checks a certification or authentication server 21 based on the ID and password transmitted from the personal computer 60) ([0044], Miyagi); and
- logging an entry (a customer ID and a password) in a retransmitter directory when the first client computing device is configured to retransmit the video data ([0044], [0045], and [0046], Miyagi).

Regarding claim 18, Lincoln discloses the metric (selection criteria) is associated with a transmission path of the video data from the evaluated source (e.g. bandwidth) ([0040], Lincoln).

5. Claims 9 and 20-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyagi in view of Lincoln and further in view of Tullis, US 2002/0171737.

Regarding claim 9, Miyagi and Lincoln disclose a video transmission system comprising a video source, a video server and a video retransmitter.

Miyagi and Lincoln do not explicitly disclose the video server receives the video data at a first resolution and the re-transmitter is operable to retransmit the video data at a second resolution different from the first resolution.

Tullis discloses the video server receives the video data at a first resolution (the image processor 18 of the server 10 operates to create a higher resolution for example adjusting

color balance, gamma and luminance before retransmitting) and the re-transmitter is operable to retransmit the video data at a second resolution different from the first resolution (an enhanced image is formed from the enhanced image data and the enhanced image is displayed on the display device of the camera, step 128 of Fig 4) ([0030], [0031] and [0036], Tullis).

Tullis, Miyagi, and Lincoln are analogous art because they are from the same field of image data communication. At the time of the invention, it would have been obvious to a person of the ordinary skill in the art to use Tullis' image processor in Miyagi and Lincoln's data communication system. The suggestion/motivation would have been to enable images having different resolutions to be transmitted from the server and the retransmitter.

Regarding claims 20 and 21, these claims are recited same limitations as claim 9. Thus they are analyzed and rejected as previously discussed with respect to claim 9 above.

6. Claim 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyagi in view of Lincoln and further in view of Ramirez-Diaz, US 2003/0085998.

Regarding claim 19, Miyagi and Lincoln disclose a method for transmitting video data across a network environment comprising receiving, transmitting, buffering, and retransmitting the video data from the video server across a network.

Miyagi and Lincoln do not explicitly disclose the step of buffering the video data further comprises periodically reassessing whether the video data may be retrieved from an alternative data source.

Ramirez-Diaz discloses the step of buffering the video data further comprises periodically reassessing (whenever the user receives the pager message) whether the video

data may be retrieved from an alternative data source (retrieve the message with the attached video camera image from a mail account) ([0044], Ramirez-Diaz).

Ramirez-Diaz, Miyagi, and Lincoln are analogous art because they are from the same field of image data communication. At the time of the invention, it would have been obvious to a person of the ordinary skill in the art to use Ramirez-Diaz's video-based security system in Miyagi and Lincoln's image data communication system. The suggestion/motivation would have been to enable the display information such as the video camera image and status signals from devices from anywhere in the world can be opened to retrieve from a standard web browser ([0032], [0044], Ramirez-Diaz).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Rabinovich (US 6,256,675), Farber et al. (US 6,185,598), Hansen et al. (US 2002/0038456), Tsao (US 2003/0079016), and Roach et al. (US 7,171,485).

Inquiries

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kent Wang whose telephone number is 571-270-1703. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc Yen Vu can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-270-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://portal.uspto.gov/external/portal/pair. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KW
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